THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22952 of 2006

Dated: 06-11-2006

Between:

Besetti Naidu Raju and others.

..... PETITIONERS

AND

The District Collector, Visakhapatnam, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.22952 of 2006

ORDER:

The seven petitioners purchased house sites (plots) from respondent No.5 in survey Nos.115, 118, 119, 121, 123, 136 and 138 of Yellapuvanipallem Village and Panchayat, hamlet of Gopalapatnam, Chinagadili Mandal in Visakhapatnam District. Respondent No.5 prepared a layout, being lay out plan No.34/89 and submitted the same before the Visakhapatnam Urban Development Authority (VUDA), respondent No.4 herein. It is their case that the lay out was approved by VUDA. They allege that on 16-10-2006, the subordinate officials of respondent Nos.

1 to 3 surveyed their land and informed that their plots are in Government land. They also allege that respondent Nos.1 to 3 are bent upon dispossessing them without due process of law. Therefore, they filed instant writ petition seeking a direction to the respondents not to dispossess them.

At the stage of admission itself, learned Assistant Government Pleader for Revenue (General-A), learned standing counsel for VUDA and learned standing counsel for Andhra Pradesh Housing Corporation would submit that these respondents are not at all interfering with the possession of the petitioners. Learned standing counsel for Andhra Pradesh Housing Corporation submits that Andhra Pradesh Housing Corporation has land adjacent to the land of respondent No.5, which was sold to its members.

The Andhra Pradesh Housing Corporation is not a party to this writ petition. Further no allegation as such is made against said Corporation. As learned counsel appearing for the respondents deny the allegation of attempt to dispossess the petitioners, this writ petition must be held to have been filed without any factual basis. However, this Court observes that even if any Government body has to take possession of the land, the same can be done only after following due process of law.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

06th November, 2006

ghn